

APPENDIX A:

“EMOLUMENT” IN ENGLISH LANGUAGE DICTIONARIES, 1604-1806

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Maritagio amissio per defauitam, Is a Writ for the Tenant in Frank-marriage, to recover Lands, &c. whereof he is deforced by another. *Reg. fol. 171.*

Maritagio forisfacto, See *Forisfatura Maritagii*.

Maritima Angliae, the Emolument arising to the King from the Sea, with Sheriffs anciently collected, but was afterwards granted to the Admiral. *Pat. 8. Hen. 3. m. 4.* Ricardus de Lucy *dicitur habere Maritimam Anglie.*

Mark (*Merca*, from the Sax. Meape, i. *Signum*) In ancient time I find a Mark of Gold was eight ounces. *Stow's Annals*, pag. 32. and was valued at 6 l. in Silver. *Rot. Mag. Pipe de A^o 1. Hen. 2.* or as others write 6-13-4. A Mark of Silver is now well known to be 13s. 4d. *Char. Reg. Job. de dote B. Regine (quondam ux. R. Ricardi. Paten. 3. Job. m. 17. n. 31. Affugavimus ei pro date sua mille marcas argenti annuatim, 13 s. 4 d. computatis pro Marca.*

Marketzeld (*Reftus Marketgeld*)—*Et valent per an. le Streteward & le Marketzeld xviii s. & ob. in omni terra pertinente ad Honorem de Haulton.* *Ex Crd. M. S. in Bibl. Cotton.* It signifies Toll of the Market. The word *Zeld* importing a payment. I find it elsewhere written *Marketygale*. *Pise. apud Cestriam 31 Edw. 3.*

Market-penny, Was one penny paid at *Maldon*, by those who had Pipes or Gutters laid, or made out of their Houses into the Streets. *Hill. 15 Ed. 1. Mr. Philips of Purveyance.*

Market (*Mercatus*) Comes from the Fr. *Marché*, i. Emporium, forum mundanum, and signifies the same thing with us; as also the Liberty or Priviledge whereby a Town is enabled to keep a *Market*. *Old. Nat. Br. fol. 149.* So *Braffton* uses it, *Lib. 2. cap. 24. numib. 6. & lib. 4. cap. 46.* where he shews, that one *Market* ought to be distant from another, Sex leucas & dimidiam & tertiam partem dimidie. By Stat. 27 Hen. 6. cap. 5. no Fair nor *Market* is to be kept upon any *Sunday*, nor upon the Feasts of the *Ascension* of our Lord, *Corpus Christi*, the *Assumption* of our Blessed Lady, *All Saints*, nor *Good Friday*; except for necessary victual, and in the time of Harvest.

Marle (*Marla & Marlera*) Is a kind of Earth or Mineral, which Men, in divers parts of this Realm, cast upon their Land, to make it more fertile. It is otherwise called *Malin*. *Anno 17. Edw. 4. cap. 4.*

Marlerium or Marletum, A Marlepit. *Sciunt—quod ego Rogerus la Rouche dedi—Henrico de Hugefort & heredibus suis, &c.—Et quod habeant omnem libertatem & liberam communiam in bosco, in planu, in via, in semitu, in aqua, in molendinis, in bryaribus, in turbarius in quarre, in piscariis, in Marleris, & in omnibus aliis locis & aisiamentis ad predictum Marlerium de Tonge spectan.* —*Et quod capiant Marlam pro voluntate sua ad terram suam marlend.* And in ano-

ther Deed **xx.** *Acrea terra Marlitas*, Marled Lands.

Marque (from the Sax. Meape, i. *Signum*) Signifies in our ancient Statutes as much as *Reprisaliz* as *Anno 4 Hen. 5. cap. 7.* *Marques* and *Reprisals* are used as *Synonyms*, and *Letters of Marque* in the same signification. See *Reprisalz*.

Marquis or Marquess (*Marchio, qui regis limitem incolit*) Is a Title of Honour, next before an Earl, and next after a Duke. *Marchiones Wallie, vix. Rogerus de Mortuomarus Jacobus de Audley, Rogerius de Clifford, Rogerius de Leyburn, Homo Extremensis & illi de Turberville, cum pluribus aliis, qui de bello praeclito de Lewes super signaverunt, &c. Mat. Westm. in Anno 1264. pag. 225.*

Marshall. See *Marshal*.

Marital Law, Is the Law that depends upon the just and arbitrary power, and pleasure of the King, or His Lieutenant in time of Wars: For, though the King does not, in time of Peace, make any Laws, but by consent of the Three Estates in Parliament; yet in Wars, by reason of the great dangers riling from small occasions, he useth absolute power in so much, as His word goes for Law. *Smith de Repub. Angl. lib. 2. cap. 3.* See *Law of Arms*.

Masagatum, anciently used for a Messuage. —*Et unum Masagium in villa de Maudone, &c.* *Pat. 16. Ric. 2. par. 1. m. 30.*

Gast (*Glanz, Pessona.*) *Glandis nomine corriscentar glans castanea, fagina, fucus & rucus, & alia queque que edi & pesci poterunt præter herbam.* *Bracton. lib. 4. 226.* See *Pessona*.

Master of the Rolls (*Magister Rotulorum*) Is an assistant to the Lord Chancellor of England, in the High Court of Chancery, and in his absence heareth Causes there, and gives Orders. *Cronpt. For. fol. 41.* His title in his Patent is, *Clericus parva baga, Custos Rotulorum, & Domus Concessorum.* Because the place where *Rolls* of Chancery are now kept, was anciently the Habitation of those Jews, who were converted to Christianity. But his Office hath that title from the safe keeping of the *Rolls* of all Patents and Grants that pass the Great Seal, and of all Records of the Court of Chancery, &c. He is called *Clerk of the Rolls*, *Anno 12 Rich. 2. cap. 2.* And in *Forfeca*, *cap. 24.* And no where *Master of the Rolls* until *11 Hen. 7. cap. 20.* And yet *cap. 25.* *Ejusdem*, he is also called *Clerk*. In which respect Sir Tho. Smith, *lib. 2. cap. 10.* says, He may not unfitly be called *Custos Archivorum*. He hath the bestowing the Office of the Six Clerks, and the Clerks of the Pettibag, Examiners of the Court, and the Clerks of the Chapel. *Anno 14 & 15 Hen. 8. cap. 1.* See *Roll*.

Master of the Mint, (*Anno 2. Hen. 6. cap. 14.*) Is now called the *Warden of the Mint*, whose Office is to receive the Silver of the Goldsmiths, and to pay them for it, and to oversee all the rest belonging to his Function.

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Dyer 516. 1 Nelf. Abr. 701. And where the Wife hath an Estate for Years, Life, or in Fee, and the Husband sows the Land and dieth, his Executors shall have the Corn. 1 Nelf. 702. But if the Husband and Wife are Jointenants, tho' the Husband sow the Land with Corn, and dies before Ripe, the Wife and not his Executor shall have the Corn, she being the surviving Jointenant. Co. Lit. 199. When a Widow is endowed of Lands sown, she shall have the Emblements, and not the Heir. 2 Inst. 81. A Tenant in Dower may dispose of Corn sown on the Ground; or it may go to her Executors, if she die before Severance. Stat. 20 Hen. 3. 2 Inst. 50, 81. And if a Parson sows his Glebe and dies, his Executors shall have the Corn: Likewise such Parson may by Will dispose thereof. 1 Roll. Abr. 655. Stat. 28 Hen. 8. cap. 11. If Tenant by Statute-Merchant sows the Land, and before Severance a casual Profit happens, by which he is satisfied, yet he shall have the Corn. Co. Lit. 53. Where Lands sown are delivered in Execution upon an Extent, the Person to whom delivered shall have the Corn on the Ground. 2 Lass. 54. And Judgment was given against a Person, and then he sowed the Land, and brought a Writ of Error to reverse the Judgment; but it was affirmed; and adjudged that the Recoveror should have the Corn. 2 Bulf. 213. If a Diffeisor sows the Land, and afterwards cuts the Corn, but before 'tis carried away, the Diffeisee enters; the Diffeisee shall have the Corn. Dyer 31. 11 Rep. 52. If a Person seised in Fee of Land dies, having a Daughter and his Wife *Proutem ensent* with a Son; and the Daughter enters and sows the Land, and before Severance of the Corn the Son is born; in this Case the Daughter shall have the Corn, her Estate being lawful and defeated by the Act of God; and it is for the publick Good that the Land should be sowed. Co. Lit. 55. A Man seised in Fee sows Land, and then devises the Land by Will, and dies before Severance; the Devisee shall have the Corn, and not the Devisor's Executors. Winch. 52. Cro. Eliz. 61. Where a Person devises his Land sown, and says nothing of the Corn, the Corn shall go with the Land to the Devisee: And when a Man seised of Land, sows it and dies without Will, it goes to the Executor, and not the Heir. 1 Lill. 512. A Devisee for Life dies, he in Remainder shall have the Emblements with the Land. Hob. 152. Tenant in Fee sows the Land, and devises it to A. for Life, Remainder to B. for Life, and dies; A. dies before Severance, B. in Remainder shall have the Corn, and not the Executor of the first Tenant for Life. Cro. Eliz. 61, 464. Where there is a Right to Emblements, Ingress, Egress and Regress are allowed by Law to enter, cut and carry them away, when the Estate is determined, &c. 1 Inst. 56.

Emblies de Genz, (Fr.) A Stealing from the People: The Word occurs in our old Rolls of Parliament. — Whereas divers Murders, *Emblies des Genz*, and Robberies are committed, &c. Rot. Parl. 21 Ed. 3. n. 62.

Embraceor, (Fr. *Embraceur*) Is he that when a Matter is in Trial between Party and Party, comes to the Bar with one of the Parties, having received some Reward so to do, and speaks in the Case; or privately labours the Jury, or stands in Court to survey or overlook them, whereby they are awed or influenced, or put in Fear or Doubt of the Matter. Stat. 19 H. 3. Ap. 109 See **Impar.**

13. And the Penalty of this Offence is 20 l. and Imprisonment, at the Discretion of the Justices, by the said Statute: Also a Person may be punished by Fine, &c. on Indictment at Common Law, as well as by Action on the Statute. Com. Law Com. Plac'd 186. But Lawyers and Attorneys, &c. may speak in the Case for their Clients, and not be *Embraceors*: Also the Plaintiff may labour the Jurors to appear in his own Cause; but a Stranger must not do it: For the bare Writing of a Letter to a Person, or parol Request for a Juror to appear, not by the Party himself, hath been held within the Statutes against Embraceery and Maintenance. 1 Inst. 369. Hob. 294. 1 Saund. 301. And if the Party himself instruct a Juror, or promise any Reward for his Appearance, then the Party is likewise an *Embraceor*: And a Juror may be Guilty of Embraceery, where he by indirect Practices gets himself sworn on the *Tales*, to serve on one Side. 1 Lill. 513. There are divers Statutes relating to this Offence and Maintenance, as 5 Ed. 3. c. 10. 34 Ed. 3. c. 8. 32 H. 8. c. 9, &c.

Embraceery, Is the Act or Offence of *Embraceors*: And to attempt to influence a Jury, or any way incline them to be more favourable to the one Side than the other, by Promises, Threatnings, Money, Treats, &c. whether the Jurors on whom any such Attempt is made, give any Verdict or no, or whether the Verdict pass on his Side or not; this is *Embraceery*. 1 Inst. 369. Noy's Rep. 102.

Embing Days, (From Ember, Cineres) So called either because our Ancestors, when they fasted sat in Ashes, or strewed them on their Heads, are those which the ancient Fathers called *Quatuor Tempora ieiunii*, and are of great Antiquity in the Church: They are observed on Wednesday, Friday and Saturday next after *Quadragesima Sunday*, (or the first Sunday in Lent) after Whitsunday, *Holyrood-day* in September, and St. Lucy's Day about the Middle of December. These Days are mentioned by Briton, cap. 53. and other Writers; and particularly in the Stat. 2 &c. 5 Ed. 6. cap. 19. And are still kept with great outward Zeal by the Roman Catholicks: Our Almanacks call them the *Ember Weeks*.

Emendals, (*Emenda*) Is an old Word still made Use of in the Accounts of the Society of the Inner Temple; where so much in *Emendals* at the Foot of an Account, on the Balance thereof, signifies so much Money in the Bank or Stock of the Houses, for Reparation of Losses or other emergent Occasions: *Quod in Resturationem Damni tributur. Spelm.*

Emendar, *Emendam solvere*, to make *Amends* for any Crime, or Trespass committed. Leg. Edw. Confess. cap. 35. Hence a capital Crime, not to be attor'd by Fine, was said to be *inemendabile*. Leg. Canut. p. 2.

Emendatio, Hath been used for the Power of *Amending* and Correcting Abuses, according to stated Rules and Measures: As *Emendati Panni*, the Power of looking to the Assize of Cloth, that it be of just Measure; *Emendatio Panis & Ceruiae*, the Assizing of Bread and Beer, &c. a Privilege granted to Lords of Manors, and executed by their Officers appointed in the Court-Lect, &c. *Ad nos speltat Emendatio Panni & Panis & Ceruiae, & qui quid Regis est, Excepto mordet & Latrociniis, &c.* — Paroch. Antiq. 196.

Empanel A Jury. *Ponere in Affis & Juratis.*

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unto the full End and Term of one whole Year, from thence next and immediately ensuing and following, and fully to be compleat and ended. Yielding and Paying therefore one Pepper Corn in and upon the Feast of St. Michael the Archangel, if demanded: To the Intent that by Virtue of these Presents, and by Force of the Statute for transferring of Uses into Possession, he the said C. D. may be in the actual Possession of all and singular the said Premises above-mentioned, with the Appurtenances, and thereby be enabled to accept and take a Grant and Release of the Reversion and Inheritance thereof, to him and his Heirs, to the only proper Use and Benefit of him the said C. D. his Heirs and Assigns for ever. In Witness, &c.

Form of a Release and Conveyance of Lands.

THIS Indenture made, &c. Between A. B. of, &c. of the one Part, and C. D. of, &c. of the other Part, Witnesseth, that the said A. B. for and in Consideration of the Sum of Five hundred Pounds of lawful Money of Great Britain, to him in hand paid by the said C. D. the Receipt whereof the said A. B. doth hereby confess and acknowledge, and for divers other good Causes and Considerations him thereunto moving, he the said A. B. hath granted, bargained and sold, aliened, released and confirmed, and by these Presents doth fully, freely and absolutely grant, bargain and sell, alien, release and confirm unto the said C. D. (in his actual Possession now being, by Virtue of a Bargain and Sale to him thereof made for one Year, by Indenture bearing Date the Day next before the Day of the Date of these Presents, and by Force of the Statute for transferring of Uses into Possession) and to his Heirs and Assigns for ever, All that Messuage or Tenement, &c. with the Rights, Members and Appurtenances therof, situate, lying and being in, &c. And all Houses, Edifices, Buildings, Gardens, Orchards, Lands, Meadows, Commons, Pastures, Feedings, Trees, Woods, Underwoods, Ways, Paths, Waters, Water-courses, Easements, Profits, Commodities, Advantages, **Emoluments** and Hereditaments whatsoever to the said Messuage or Tenement belonging, or in any wise appertaining, or which now are, or formerly have been accepted, reputed, taken, known, used, occupied or enjoyed, to or with the same, or as Part, Parcel or Member therof, or of any Part thereof; and also the Reversion and Reversions, Remainder and Remainders, Rents and Services of all and singular the said Premises above mentioned, and of every Part and Parcel thereof, with the Appurtenances; and also all the Estate, Right, Title, Interest, Claim and Demand whatsoever, as well in Equity as in Law, of him the said A. B. of, in and to all and singular the said Premises, and of, in and to every Part and Parcel thereof, with the Appurtenances; and also all Deeds, Evidences and Writings, touching or concerning the said Premises only, or only any Part thereof, together with true Copies of all other Deeds, Evidences and Writings, which do concern the said Premises, or any Part thereof jointly, with any other Lands or Tenements, now in the Custody or Possession of him the said A. B. or which he can or may get or come by without Suit in Law, the said Copies to be made and written at the Request, Costs and Charges of the said C. D. his Heirs and Assigns. To have and to hold the said Messuage or Tenement, Lands, Hereditaments, and all and singular the Premises above-mentioned, and every Part and Parcel thereof, with the Appurtenances, unto the said C. D. his Heirs and Assigns, to the only proper Use and Benefit of the said C. D. his Heirs and Assigns for ever. And the said A. B. for himself, his Heirs and Assigns, doth covenant and grant to and with the

said C. D. his Heirs and Assigns, that he the said A. B. now is the true, lawful and rightful Owner of the said Messuage, Lands, Tenements, Hereditaments and Premises above-mentioned, and of every Part and Parcel thereof, with the Appurtenances. And also that he the said A. B. now is lawfully and rightfully seized in his own Right, of a good, sure, perfect, absolute and indefeasible Estate of Inheritance in Fee Simple, of and in all and singular the Premises above-mentioned, with the Appurtenances, without any manner of Condition, Mortgage, Limitation of Use and Uses, or other Matter, Cause or Thing to alter, change, charge, or determine the same. And that he the said A. B. now hath good Right, full Power, and lawful Authority, in his own Right, to grant, bargain, sell and convey the said Messuage, Lands, Tenements, Hereditaments, and all and singular the Premises above-mentioned, with the Appurtenances, unto the said C. D. his Heirs and Assigns, to the only proper Use and Benefit of the said C. D. his Heirs and Assigns for ever, according to the true Intent and Meaning of these Presents. And also that he the said C. D. his Heirs and Assigns, shall and may at all Times for ever hereafter, peaceably and quietly have, hold, occupy, possess and enjoy all and singular the said Messuage, Lands, Tenements, Hereditaments and Premises above-mentioned, with the Appurtenances, without the Let, Trouble, Hindrance, Molestation, Interruption, and Denial of him the said A. B. his Heirs or Assigns, and of all and every other Person or Persons whatsoever: And that freed and discharged, or otherwise will and sufficiently saved and kept harmless and indemnified of and from all former and other Bargains, Sales, Gifts, Grants, Leases, Mortgages, Jointures, Dowries, Uses, Wills, Intails, Fines, Post-Fines, Issues, Averments, Seizures, Bonds, Annuities, Writings Obligatory, Statutes Merchant and of the Staple, Recognizances, Extents, Judgments, Executions, Rents and Arrearages of Rent, and of and from all other Charges, Estates, Rights, Titles, Troubles and Incumbrances whatsoever, had, made, committed, done or suffered, or to be had, made, committed, done or suffered, by the said A. B. or any other Person or Persons whatsoever, claiming or to claim, by, from or under him, them, or any of them. And further, that he the said A. B. and his Heirs, and all and every other Person and Persons and his and their Heirs, any Thing having or claiming in the said Premises above-mentioned, or any Part thereof, by, from or under him, shall and will from Time to Time, and at all Times hereafter, upon the reasonable Request, and at the Cost and Charges of the said C. D. his Heirs or Assigns, make, do and execute, or cause or procure to be made, done and executed, all and every such further and other lawful and reasonable Act and Att, Thing and Things, Device and Devices, Conveyance and Conveyances in the Law whatsoever, for the further, better, and more perfect granting, conveying and assuring of all and singular the said Premises above-mentioned, with the Appurtenances, unto the said C. D. his Heirs and Assigns, to the only proper Use and Benefit of the said C. D. his Heirs and Assigns for ever, as by the said C. D. his Heirs or Assigns, or his or their Counsel learned in the Law, shall be reasonably devised or advised and required. And lastly, it is covenanted, granted, concluded and agreed upon by and between the said Parties to these Presents, and the true Meaning hereof is, and it is hereby so declared, that all and every Fine and Fines, Recovery and Recoveries, Assurance and Assurances, Conveyance and Conveyances in the Law whatsoever already had, made, levied, suffered, executed and acknowledged, or at any Time hereafter to be had, made, levied, suffered, executed and acknowledged, by or between the said Parties to these

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Manutententis. A Writ so called, used in Causes of Maintenance. Reg. Orig. 182, 189.

Manuorth. (Sax. *Manwyd*) The Price or Value of a Man's Life or Head, mentioned by Blount.

Mars, A Mere, Lake, or great Pond, that cannot be drawn dry. Mon. Angl. Tom. 1. pag. 666.

— *Castrum & Manerium de Bolyngbroke, cum Soke Mara & Marisco.* Paroch. Antiq. 418.

Matta, A certain Quantity of Money. See *Mark*.

Mareatu, The Rent of a *Mark* by the Year, antiently reserv'd in Leales, &c. *Et unum Maratum Redditus de, &c.* Mon. Angl. Tom. 1. pag. 541.

Marchers, or Lords Marchers, Were those Noblemen that lived on the *Marches of Wales or Scotland*; who in Times past (according to *Camden*) had their Laws, and *Potestatem sive, &c.* like Petty Kings; which are abolished by the Stat. 27 H. 8. c. 26. and 1 Ed. 6. c. 10. In old Records, the *Lords Marchers of Wales* were styled *Marchiones de Marchia Wallie.* See 1 & 2 P. & M. c. 15.

Marches, (*Marchia*, from the Germ. *March*, i. e. *Limes*, or from the Fr. *Marque*, viz. *Signum*, being the notorious Distinction between two Countries or Territories) Are the Limits between *England* and *Wales*, or between us and *Scotland*; which last are divided into *West* and *Middle Marches*. 4 Hen. 5. c. 1. 22 Ed. 4. c. 8. 24 H. 8. c. 9. And the Word is used generally for the Precincts of the King's Dominions by 24 H. 8. c. 12. There was formerly a Court called the *Court of the Marches of Wales*, where Pleas of Debt or Damages, not above the Value of Fifty Pounds, were tried and determined; and if the Council of the *Marches* held Plea for Debts above that Sum, &c. a *Prohibition* might be awarded. *Hill. 14 Car. 1. Cro. Car. 584.*

Marchet, (*Marchetum*) *Consuetudo pecuniaria, in Mancipiorum filiis Maritandis.* Bract. lib. 2. cap. 8. This Custom, with some Variation, is observd in some Parts of *England* and *Wales*, as also in *Scotland* and the Isle of *Guernsey*: And in the *Manor of Dinecer* in the County of *Carmarthen*, every Tenant at the Marriage of his Daughter pays 10*s.* to the Lord, which in the British Language is called *Gewab Merched*, i. e. a Maid's Fee. The Custom for the Lord to lie the first Night with the Bride of his Tenant, was very common in *Scotland*, and the *North of England*: But it was abrogated by *Malcolme the Third*, at the Instane of his Queen; and instead therof a Mark was paid to the Lord by the Bridegroom, from whence it is denominated *Marcheta Mulieris*. See *Maiden Rents*.

Marketum, (Fr. *Maret*, a Fen or Marsh) Signifies marshy Ground overflowed by the Sea or great Rivers. Co. Litt. 5.

Marinarinus, A Mariner or Seaman: And *Marinariorum Capitanus* was the *Admiral* or *Warden* of the Ports, which Offices were commonly united in the same Person; the Word *Admiral* not coming into Use till the latter End of the Reign of King *Edw. 1.* before which Time the King's Letters ran thus. — *Res Capitaneo Marinariorum & eidem Marinariis Salutem.* Paroch. Antiq. 322. The *Mariners* of a Ship are accountable to the Master, the Master to the Owners; and the Owners to the Merchant, for all Damages by Negligence, or otherwise. *Lex Mercat.* or *Merch.*

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Compan. 66. If a Mariner be hired, and he deserts the Service before the Voyage is ended, by the Law *Marine*, and by the Common Law, he shall lose his Wages: And if a Ship is lost by Tempest, &c. the *Mariners* lose their Wages as well as the Owners their Freight; and this is to oblige them to use their utmost Endeavours to preserve the Ship. *Leg. Oleron. 1 Sid. 179.* Where a Mariner is wounded in the Service of a Ship, he is to be provided for at the Charge of the Ship; and if his Illness is very violent, he is to be left ashore with necessary Accommodations, and the Ship is not to stay for him; if he recovers, he is intitled to his full Wages, deducting what the Master expended for him. *Leg. Ol. c. 7.* The Common Law hath Jurisdiction for *Mariners* Wages; and in the Admiralty they may all join. *Ventr. 146.* Personating *Mariners*, and Receiving their Wages; and Forging Letters of Attorney, &c. or falsely Taking out Letters of Administration for the Receipt of Seamen's Wages, incurs a Forfeiture of 20*l.* &c. *Stat. 9 & 10 W. 3.* *Mariners*, &c. casting away or destroying Ships is Felony. *1 Ann.* See *Felony*.

Maritime, (*Maritimus*) Signifies Sea Affairs; any Thing belonging to the Sea.

Maritima Angliae, The Profit and Emolument arising to the King from the Sea, which antiently was collected by Sheriffs; but it was afterwards granted to the Lord Admiral. — *Richardus de Lucy dicitur habere Maritimam Angliae. Pat. S H. 3. m. 4.*

Mark, (*Merca*, Sax. *Meare*) Of Silver is now thirteen Shillings and four Pence: Though in the Reign of King *Hen. 1.* it was only six Shillings and a Penny in Weight; and some were coined, and some only cut in small Pieces, but those that were coined were worth something more than the others. In former Times, Money was paid, and Things valued oftentimes by the *Mark*; *Affigavimus Regin. pro dote sua, mille Marcas Argenti annuatim 13 s. 4 d. computatis pro Marca. Paten. 3 Joh. m. 17.* We read of a *Mark* of Gold of eight Ounces, and 6*l.* in Silver; or as others write 6*l.* 13*s.* 4*d.* *Stow's Annals 32. Rot. Mag. Pipe, Ann. 1 Hen. 2.*

Mark to Goods, Is what ascertains the Property or Goodnes thereof, &c. And if one Man shall use the *Mark* of another, to the Intent to do him Damage, Action upon the Case lieth. 2 Cro. 471.

Market, (*Mercatus*, from *Mercando*, Buying and Selling) Is the Liberty by Grant or Prescription whereby a Town is enabled to set up and open Shops, &c. at a certain Place therein, for Buying, Selling, and better Provision of such Victuals as the Subject wanteth: It is less than a Fair; and usually kept once or twice a Week. Bract. lib. 2. cap. 24. 1 Inst. 220. And according to *Bracton*, one *Market* ought to be distant from another *Six leucas* (vel *Miliar.*) & *dimidiam*, & *tertiam partem dimidie*: If one hath a *Market* by Charter or Prescription, and another obtains a *Market* near it to the Nusance of the Former; the Owner of the Former may avoid it. 2 Inst. 406. The Fair or *Market* is taken for the Place where kept: And it was customary of old, for most Fairs and *Markets* to be kept on *Sundays*; and in many Places they are still kept in *Churchyards*: But by Statute 27 H. 6. c. 5. no Fair or *Market* shall be kept upon any *Sunday*, or upon the Feasts of the *Ascension*, *Corpus Christi*, *Good Friday*,

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In T W O V O L U M E S.

V O L. I.

L O N D O N :

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M. DCC LXIV.

A P P

part of the land, the rent shall be *apportioned*; but a rent-charge cannot be *apportioned*, nor things that are *intire*; as if one holds land by service, to pay to his lord yearly at such a feast, a horse, or a rose, there, if the lord purchase part of the land, this service is totally extinct, because such things cannot be divided without hurt to the whole; yet in some cases a rent-charge shall be *apportioned*, as if a man hath a rent-charge issuing out of land, and his father purchaseth part of the land charged in fee, and dies, and this parcel descends to his son, who hath the rent-charge; there this charge shall be *apportioned*, according to the value of the land, because such portion of the land, purchased by the father, comes not to the son by his own act, but by descent and course of law. Common appendant is of common right, and severable, and though the commoner, in such case, purchase parcel of the land, wherein the common is appendant, yet the common shall be *apportioned*; but in this case, common appurtenant, and not appendant, by such purchase is extinct. *Termes de la ley* 8 Co. 79.

Where the lessor recovers part of the land; or enters for a forfeiture into part thereof, the rent shall be *apportioned*. 1 Inst. 148.

Lessee for years leases for years, rendering rent, and after devises this rent to three persons, this rent may be *apportioned*. *Dano. Abr.* 505.

If a lessee for life or years under rent, surrenders part of the land, the rent shall be *apportioned* but where the grantee of a rent-charge purchases part of the land, there all is extinct. *Moor, c* 231.

A rent-charge issuing out of land, may not be *apportioned*. nor shall things *entire*; as if one holds lands by service to pay yearly to the lord, at such a feast, a horse, &c. 1 Inst. 149.

But if part of the land out of which a rent-charge issues, descends to the grantee of the rent, this shall be *apportioned*. *Dano. 507*

A grantee of a rent releases part of the rent to the grantor, this doth not extinguish the residue, but it shall be *apportioned*, for here the grantee dealeth not with the land, but with the rent. *Co. Lst. 148.*

On partition of lands out of which a rent is issuing, the rent shall be *apportioned*. *Dano. Abr. 507.*

And where lands held by lease, rendering rent, are extended upon *eligit*, one moiety of the rent shall be *apportioned* to the lessor. *Dano. Abr. 509.*

If part of the land leased is surrounded by fresh water, there shall be no *apportionment* of rent; but if it be surrounded with the sea, there shall be an *apportionment* of the rent. *Dyer 56.*

A man purchaseth part of the land where he hath common appendant, the common shall be *apportioned*; of common appurtenant it is otherwise, and if by the act of the party, the common is extinct. 8 Rep. 79.

Common appendant and appurtenant may be *apportioned* on alienation of part of the land to which it is appendant or appurtenant. *Wood's Inst. 199.*

If where a person has common of pasture *sans number*, part of the lands descends to him, this being *intire* and uncertain cannot be *apportioned*; but if it had been common certain, it should have been *apportioned*. 1 Inst. 149.

A contract may not be divided or *apportioned*, so as to subject a man to two actions. 1 Salk. 65.

Common appendant may be *apportioned*, because 'tis of common right, and therefore, if a man purchase part of the lands to which the common is appendant, the common shall be apportioned to that part; but common appurtenant cannot be *apportioned* by the act of the party, and therefore by the purchase of part of the lands, the whole common is extinct. 4 Rep. *Terringham's case.* 8 Rep. 79. *Hob. 25. 8 P.*

And yet it hath been adjudged, that where a man hath common appurtenant to ten acres of land, for all his beasts *leuant and couchant* on the same, and afterwards he sells part of those ten acres, that the common shall be *apportioned*, and the vendee shall have common on that part which he purchased, for these things are *intire* in several degrees, (i.e.) some things are *so intire*, that

A P P

they cannot be divided by the act of the party; such as *warranties, conditions, &c.* tho' they may be apportioned by act of law, but commons are not so strictly *intire*, but that they may be *apportioned*, it being a common case, and therefore ought to be extended for the general good. *Hob. 235*

Conditions, generally speaking, are *intire*, and cannot be apportioned by the act of the party; as for instance, the master and scholars of *Corpus Christi* in *Oxford*, made a lease of lands, *proviso*, the lessee should not alien, &c. without special licence, afterwards they gave the lessee a special licence to alien, who assigned his term to *B B.* and he by will devised the lands to his son, and the lessor entered for the condition broken; adjudged, that the licence given to *B B.* to alien, had destroyed the condition, for the lessors would not dispense with it, as to him, and retain it, as to others; for a condition being an *intire* thing, cannot be apportioned by the act of the party, tho' it may be by act of law. 4 Rep. 119. *Damport's case*

An agreement in writing between the testator and *J. S.* that he should receive all the testator's rents, for which service he promised to pay *J. S.* 100*l. per ann.* and in an action of debt brought against the executor, the plaintiff set forth, that the testator died three quarters of a year after this contract made, during which time the plaintiff served him, and so demanded 75*l.* for his service for three quarters of a year, the defendant pleaded to issue, and the plaintiff had a verdict and judgment in *C. B.* but upon a writ of error brought in *B R.* it was reversed, because this agreement was in nature of a condition precedent, and that nothing was due without a full year's service; 'tis like a lease for years, rendering 20*l.* rent yearly, and before the year is ended, the lessee is evicted, the lessor shall have no rent, for that cannot be apportioned in respect of time. 1 *Salk. 65 Countess of Plymouth vers. Throgmorton* See 2 *Salk. 778 the pleadings.*

Appotum. Seems to be deduced from the French *apport*, and signifies the revenue, gain or profit, which a thing brings in to its owner. It is also used for an augmentation given to any abbot, for his better support out of the profits of a manor.— *Ita quod proficia maneri prædicti nomine apporti qualibet anno præfato A. in subventionem sustentationis suæ solverentur Ann. 22 Ed. 3 n 72. Linc.* The word was commonly used for a corody or pension:— *Nicolaus Gwyn prior de Andover, debet xx marcas de quodam apporto, ad capitalem dominum ejusdem prioris in partibus transmarinis, in tempore pacis debita. Ex registro evidentiariarum colleg Wickham juxta Winton MS — Rex Edwardus 3. restitut terras prioratum alienigenarum sicut nobis apporto, quod prædictus procurator alicut domui superiori solvere tenetur Clasf. 14 Ed. 3* The word might at first signify any profit or *emolument* apportioned or brought to another; and therefore *Du Fesne* observes in the Customary of *Rennes*, *apport* was the portion which the wife brought to the husband.

Apposal of sheriffs. The charging them with money received upon their accounts in the Exchequer. It is used in *Sat. 22 Et 23 C. 2.*

Appraisers Of goods are to be sworn to make true *appraisement*, and if they value the goods too high, they shall be obliged to take them at the price appraised. *Stat. 13 Ed. 1.*

Apprendre, (Fr.) A fee or profit, *apprendre* is a fee or profit to be taken or received. It is used in statute 2 Et 3 Ed. 6 c 8.

Apprentice, Apprentiarius, (French *apprentif*, from *apprendre*, to learn; whence the French *apprentissage*, and our *apprenticeship*) Signifies with us one that is bound in word or writing, to serve another man of trade for certain years, upon condition that the artificer or master shall in that mean time endeavour to instruct him in his art or mystery. *Smith de Rep. Ang lib. 3. cap. 8. faith*, they are a kind of bondmen, differing only, that they are servants by covenant, and for a time. Barristers at law were heretofore called *apprentices of the law*, in latin *apprentitijs juris nobiliori*. So saith Mr. Selden in his notes upon *Portescus*, p. 3. and so the learned Mr. Plowden, styled himself. Sir Henry Finch, in his *Nonnachusa*, gives himself

E N D

due measure. *Emendatio panis & cervisia;* the assizing of bread and beer, or the power of supervising and correcting the weights and measures of them; a privilege granted by the King to lords of manors, which gave occasion to the present office of *ale-taster*, appointed in every court-leet, and sworn to look to the assize of bread, ale, or beer, within the precincts of that lordship.—*Ad nos spectat emendatio panni, panis & cervisia;* & quicquid Regis est excepto murdredo & latrocinio probato.—Paroch. Antiq. pag. 196.

Cemerals. Exempt from duties, 6 Geo. 2. c. 7.

Cmissarius. A steed, a stallion. *De emissario, cui insederat, ecclit.* Matt. West. sub anno 1014.—*Ab ipso vulneratu in brachio de suo defecitus est emissario.* Ib. sub anno 1079.

Compani. *Impanelare, vel ponere in assisis, & juratis,* (from the French *panue*, i. e. *pallis*, or of *paneu*, which denotes as much as *pane* with us, as a *pane* of glass, or of a window,) Signifieth the writing and entring the names of a jury into a parchment schedule, or roll of paper, by the sheriff, which he hath summouned to appear for the performance of such publick service as juries are employed in. *Cowell.* See **Impannel**.

Comparlance, (*Licentia interloquendi*) Cometh from the French *parler*, to talk, and in the Common law signifieth a defire or petition in court, of a day to pause what is best to do. The Civilians call it *petitionem induciarum*. And *Kiteb.* fol. 200. interprets it in these words, If he *imparl*, or pray continuance; when praying continuance is spoken *interpretative*. And fol. 201. he mentions *emparlance general* and *emparlance special*; *emparlance general* seemeth to be that which is made only in one word, and in general terms. *Emparlance special*, where the party requires a day to deliberate, adding also these words, *Sicut omnibus advantagiis tam ad jurisdictionem curiae quam ad breve & narrationem*,—or such like. *Britten.* cap. 53. useth it for the conference of a jury upon the cause committed to them. And an *emparlance* or continuance is thus entred, *Et modis ad hunc diem, scilicet diem Veneris, &c. isto eodem termino usque ad quem diem praevidit A. habuit licentiam interloquendi, &c.* See **Imparlance**.

Emperoy. Is an ancient title of the Kings of England. This appears by a charter of King Edgar, viz. *Ego Edgarus Anglorum Basileus, omniumque Regum insularum oceanique Britanniam circumiacent, &c. Imperator & Dominus.*

Empesli. See **Impesli**.

Empovement. See **Improvement**.

Enbeyer, (Fr.) To write down briefly. *Brit.* 56.

Cacaenia, i. e. The dedication of churches, which was always on a *Sunday*. *Encenariare,* i. e. To begin a thing, or to put on a new thing, viz. *Encenariavit in Wintonia urbe arduam turrim.* Du Fresne.

Encaustum, i. e. Ink. *Quæ propter encausti & chartas vitium abeleri incipiebat.* *Fleta,* lib. 2. c. 27. par. 5.

Cutheson, A French word much used in our law books, as in the statute 53 Ed. 3. cap. 3. and it signifies as much as the occasion, cause or reason for which any thing is done. So it is used by *Staundf.* lib. 1. cap. 12. in his description of a *drooland*. *Skeles de verb. signif. verbo Encheson,* says, That *Edward*, the first King of England, Westm. 1. c. 6. statutes and ordains, That no man shall be amerced, without reasonable *encheson*.

Encroachment, or Atroachment, (from the French word *acrescher*, to pull or draw to) Signifies an unlawful gaining upon the rights or possessions of another: For example, If two mens grounds lying together, the one prefeth too far upon the other; or if a tenant owe two shillings rent-service to the lord, and the lord taketh three. See *Co. 9 Rep. f. 33. Bucknal's case.* So it is said, That *Hugh Spencer* the father, and *Hugh Spencer* the son, encroached unto them the Royal power and authority. Stat. 1 Ed. 3. in *proem.* *Cowell, edit. 1727.*

Enbeavour. Where one who has the use of his reason endeavours to commit felony, &c. he shall be punished by our laws, but not to that degree as if he had actually committed it. As if a man assault another on the highway, in order to a robbery, but takes nothing from him, this is not punished as a felony, because the felon is not accomplished; though as a misdemeanor, it is liable

E N G

to fine and imprisonment. 3 Inst. 68, 69, 161. 11 Rep. 98. But in this case, the offender shall be transported, by stat. 7 Geo. 2. c. 21.

Enemys, (*Inimicius*) Is properly an alien or foreigner, who in a public capacity, and in an hostile manner, invades any kingdom or country; and whether such persons come hither by themselves, or in company with English traitors, they cannot be punished as traitors, but shall be dealt with by martial law. *H. P. C.* 10, 15. 1 Hawk. 35. But the subjects of a foreign Prince coming into *England*, and living under the protection of the King, if they take up arms, &c. against the government, they may be punished as traitors, not as alien enemies. 1 Hawk. ib. If a prisoner be rescued by enemies, the gaoler is not guilty of an escape; as he would have been if subjects had made the rescue, when he might have a legal remedy against them. 2 Hawk. 130. See **Treason**.

Entitement. See **Inditement**.

Endowment, (*Dotatio*) Signifieth the giving or affixing of dower to a woman; for which see more in **Dower**. But it is sometimes by a metaphor used for the setting or severing of a sufficient portion for a vicar towards his perpetual maintenance, when the benefice is appropriated; and so it is used in the statutes, 15 Rich. 2. c. 6. and 4 Hen. 4. c. 12. See **Appropiation**.

Endowment de la plus belle part, Is where a man dying seised of some lands holden in knight-service, and other some in socage, the widow is assigned her dower rather in the socage lands than those holden in knight-service, as being *la plus belle part*, the fairer part; of which read *Littleton* at large, lib. 1. cap. 5.

Engrgument, i. e. Demoniacs, who despising the catholick doctrine, were seduced by the illusions of the Devil. *Council. Carthag.* 4. c. 91.

Enfant. See **Infant**.

Enfranchist, Is to make free, to incorporate a man into a society or body politick, or to make one a *denizen*.

Enfranchisement, (from the French word *franchise*, *libertas*) Signifies the incorporating of a man into any society or body politick: For example, He that by charter is made denizen of *England*, is said to be *enfranchised*; and so is he that is made a citizen of *London*, or other city, or burgess of any town corporate, because he is made partaker of those liberties that appertain to the corporation, whereto he is *enfranchised*: So a villain is *enfranchised*, when he is made free by his lord, and made capable of the benefits belonging to freemen. And when a man is thus *enfranchised* into a city or borough, he hath a freehold in his freedom for his life; wherefore, whatever shall be the cause of his *disfranchisement*, ought to be a fact, and not only an endeavouring or enterprizing. What shall be sufficient cause to *disfranchise* a freeman, and what not; see in *Co. lib. 11. Rep. f. 91. Bagg's case*.

Englecerie, *Englechery,* *Englechire,* or *Engleshire*, in Latin *engleceria*, Is an old word, signifying nothing more than to be an *Englishman*. For example; If a man were privily slain or murdered, he was in old time accounted *francigena*, which word comprehended every alien, until *englecerie* were proved, that is, until it was made manifest that he was an *Englishman*. *Bract.* lib. 3. tract. 2. cap. 15. fol. 134. The original whereof was this, *Conatus the Dane* being King of *England*, having settled his estate in peace, at the request of his lords, discharged the land of his armies, upon condition, that whoever should kill an alien, should be liable to justice; and if the manlayer escaped, the town where the man was slain should forfeit sixty-six marks to the King, and if the town was not able, then the hundred should pay: And further, that every man murdered should be accounted *francigena*, except *englecerie* were proved. And the manner of proving him to be an *Englishman* was before the coroner, by two men or witnesses who knew the father, and by two women who knew the mother; and this was called *englecerie*. See *Horn's Mirror of Just.* lib. 1. cap. 1. *Of the office of coroners*, and *Fleta,* lib. 2. cap. 30. This *englecerie*, for the abuses and troubles that were afterwards perceived to grow by it, was utterly taken away by 14 Ed. 3. c. 4. See *Co. lib. 7. f. 16. Calvin's case*.

Mar. A mere, moor, lake, pool, pond, or place of bog, &c. *Parac. Antiq.* 418. *Cowell, edit.* 1727.

Market. Is now thirtee shillings and four-pence; but in the reign of Henry I. it was only six shillings and a penny in weight; for the shillings as well as pence were then weighed, or went by weight; and some were coined, and some only cut in small pieces. Now those that were coined were worth sumthing more than the other. *De tribaldi bresluis acclsi uera debent reddi, &c.* 30 fol. & 5 dinar. ad manibam, idem hodie 5 marcas de thefibus, i. e. thamus 120 fol. qui faciunt 20 marcas. *Leg. II. t. See Markt.*

Marrant. The rent of a mark by the year. *Man. 1 tom. pag. 341.*

Mark (Earldom of) Grants of its lands are to be under the Great seal, 4 Hen. 7. c. 14.

Marchers, or Lords marchers. Were the noblemen that lived on the marches of Wales or Scotland, who in times past (according to *Camden*) had their private laws, & potestatem vita & mortis, like petty Kings, which are now abolished by the statute 27 H. 8. cap. 26. Of these marchers, you may read *Anno 2 H. 4. c. 18. 26 H. 8. c. 6.* and 1 Ed. 6. cap. 10. where they are called *Lords marchers.* And in old records the *Lords marchers* of *Wales* were called *Marchiones de marchia Wallie.* See **Marquis, Wales.**

Marches (*Marchia*, from the Saxon *meare*, *signum limitaneum*) Are the bounds and limits between us and *Wales*, or between us and *Scotland*; which last are divided into *west* and *middle marches*. *Stat. 24 Hen. 8. c. 9. 4 Hen. 5. cap. 7.* and 22 Ed. 4. cap. 8. The word is used in the statute 24 Hen. 8. c. 12. generally for the precincts of the King's dominions. *Cowell, edit.* 1727.

Marchet, (*Marchetum*) *Confusione pecuniarum in manus ipsorum filiabus maritandis.* *Bret. lib. 2. tit. 1. cap. 8. num. 2.* *Merchetum vero pro filia dare non competit libro homini.* *Extenta Manerii de Wivenhoe, 18 Dec. 40 Edw. 3. & alia 13 Ed. 3. Anno Dom. 1230. Rich. Burc tenet unum mesuagium. E. debet tallagium, scellum curiae & mercies his modis, quod si maritare voluerit filiam suam cum quedam libero homine extra villam, faciet pacem domini pro maritagio, & si eam maritaverit alicui enfrumaris villa, nil dabat pro maritagio.* *Mercheret, hoc est, quod schemum & nativi debent solvere pro filiabus suis corruptis five deforatis 5 s. 4 d.* *Reg. Abbathie de Bargo, in Bibl. Cotton.* This custom, with some difference, is in divers parts of *England* and *Wales*, as also in *Scotland*, and in the ille of *Guernsey*. See *Spelman at large* on it. By the custom of the manor of *Dinevor*, in the county of *Caermarthen*, every tenant at the marriage of his daughter pays ten shillings to the lord, which in the British language is called *Gwabt-marched*, i. e. A maid's fee. The custom for the lord to lie the first night with the bride of his tenant was very common in *Scotland*, and in the north parts of *England*: But it was abrogated by *Malcolm the Third*, at the instance of the Queen; and instead thereof a mark was paid to the lord by the bridegroom. *Cowell, edit.* 1727.

Marchiate. To adjoin or border upon. *Cowell, edit.* 1727.

Marchius, A hammer, a mallet. *Id. ib.*

Mares. See *Horses*.

Marschal. See *Marshal*.

Marectum, (from the Fr. *maret*, a fen or marsh) Marsh ground, which the sea or great rivers overflow. *Co. t. Inst. fol. 5. a.*

Marinarius. A mariner, a seaman. *Marinariorum capitaneum*, the admiral or warden of the ports, which offices were commonly united in the same person; the word *admiral* not coming into use before the latter end of King *Edw. I.* before which time the King's letters run thus—*Rex capitaneo marinariorum & eisdem marinariis salutem.* *Parac. Antiq.* pag. 322.

Matinera. See *Seamen*.

Martisus, Is a word used in *Domesday-Book*, and signifies *patus*, or *locus paludosus*, a marshy or fenny ground.

VOL. II. N°. 105.

Maritatio amissio per defalcationem. Is a writ for the tenant in *frank-marriage*, to recover lands, &c. whereof he is defrauded by another. *Reg. fol. 171.*

Maritagium. That portion which is given with a daughter in marriage. See *Glazier*: *In aliis modis accipitur de fundum legi Romanar. secundum quae proprio appellatur das, id quod cum mulier datur viro, quod vulgariter dicuntur maritagium.* *Lib. 2. c. 18.*

Maritagium, or marriage, strictly taken, is that right which the lord of the fee had to marry the daughters of his vassals after their death: Others tell us, it was that profit which might accrue to the lord by the marriage of one under age, who held his lands of him by knight's service. This seems plain by the statute of *Merton*, cap. 7. *Maritagium ejus qui infra statuta est de uero jure pertinet ad dominum feodi.*

Maritagium habere. To have the free disposal of an heiress in marriage, a favour granted by the Kings of England, while they had the custody of all wards or heirs in minority. *Cowell, edit.* 1727.

Maritima Angliae. The *encomium* arising to the King from the sea, which therof anciently collected; but was afterwards granted to the admiral. *Pat. 3 Hen. 3. m. 4. Richardus de Lucy dicitur habere maritimam Anglie.*

Mark. (*Mercia*, from the Sax. *meare*, i. e. *signum*) In ancient time we find mark of gold was eight ounces. *Stat. Annali*, pag. 32, and was valued at 6 l. in silver. *Rst. Afz. pipa de oure 1 Hec. 2. or, as others write, 6 l. 13 s. 4 d.* *Char. Reg. Joh. de deo B. Reginae (quondam ux. R. Richards.) Paten. 3 Joh. m. 17. n. 31. Affigimus ei pro date sua mille marcas argenti annuatim 13 s. 4 d. computatis pro marcis.* See **Marca.** This is uncertain when it first came fixed to this particular value. *Matthew Paris* tells us, that it was so early as the year 1194, in the life of *Guerrinus*, abbot of St. Albans. *Skeve de Verb. Signif. verb.* Mark, saith, that in *Trotula de ponderibus & mensuris*, a mark signifieth an ounce weight or half a pound, whereof the dram is the eighth part, as the ounce is the eighth part of a mark, citing *Coffeau de Consuetud. Burg. Rub. prim. fol. 7. verb. Salt Turners.* A mark of silver is now 13 s. 4 d. *Cowell, edit.* 1727.

Market, (*Mercatus*) Signifies with us *emporium*, and also the liberty or privilege whereby a town is enabled to keep a market. *Old Nat. Breo. fol. 149.* So doth *Braffett* use it, lib. 2. cap. 24. num. 6. & lib. 4. cap. 46, where he shews, that one market ought to be distant from another *Sex lucas & dimidiam & tertium partem dimidie.* The reason whereof both he and *Fleta* give in these words, *Quia omnes rationabiles dicunt conflatur ex 20 milliaribus. Dividatur ergo dieta in tres partes, prima autem matutina detur contibus versus mecentum, secunda detur ad emendum & vendendum; que quidem sufficiere debet omnibus nisi sint forte mercatores fluctuant, qui merces depassuerint & exposuerint vernaler, quibus necessaria erit preliuise mera in mercatu, & tertia pars relinquetur redentibus de mercatu ad propria;* &c. *Lib. 4. cap. 28. fol. Item refert.* By the statute 27 H. 6. 5. all fairs and markets are forbidden to be kept upon any *Sunday*, or upon the feasts of the *Ascension* of our Lord, *Corpus Christi*, or the *Assumption* of our Blessed Lady; *All Saints* or *Good-Friday*, except for necessary *viscuals*, and in the time of harvest. It was customary in former times, that most fairs and markets were kept on *Sundays*; and in many places they are still kept in the church-yard. This custom so far obtained, that though it was prohibited by several Kings, yet we see by the statute before mentioned, it continued till the reign of *Henry VI.* This custom is mentioned in *Mat. Paris. Ann. 1200. Nundinas vero & mercata dominica die interdixit quod omnia quae diebus dominici per Angiam fieri confluuerunt, &c.* See **Failes and markets**, and 15 *Fin. Ab. tit. Markets*.

Market-towns. Penalty on persons living in the country, and selling by retail in market-towns, 1 & 2 *Phil. & M. c. 7. New Windflet* excepted as to wool and yarn, 18 *El. c. 21.*

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WITH NOTES AND REFERENCES.

By ROBERT KELHAM,
OF LINCOLNS-INN.

*Multa ignoramus quae non latentes, si veterum Latini sciret, faciliter
MACROBIUS.*

L O N D O N :

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MDCCCLXXIX.

E M

Emercient, amerced.
Emergentz, arising.
Emfle, puffed up.
Emfauntz, children.
Emi, emmj, in half, in
the middle.
Emieez, issued, sent out.
Eminentz, impending.
Emmi, between.
Emmorti, become dead.
Emmurrer, to wall about.
Emoi, emotion.
Emoines, witnessess.
Emologation de la court
de parliament, the con-
firmation of the court of
parliament.
Emon, Edmond.
Emonit, admonished.
Empakkur ('l'), the pack-
ing.
Emparke, emparkez, im-
pounded.
Emparkement, a park, an
emparkment.
Emparnours, undertakers
of suits.
Empashment (en son), in
his infirmity, impedi-
ment.
Empeche, impeached.
Empeirez, empirez, im-
paired.
Empell (q. 'l'), which is
called.
Empendent, pendant.
Empensions, pensions.

E M 79

Emperement, in ornament-
ing, repairing.
Emperez (se soient), have
possessed themselves of.
Emperler, to imparle.
Empernant, assuming, pre-
tending to.
Empernent a champart,
take for maintenance.
Empernour, the taker.
Empes chenienz (por di-
vers), an account of di-
vers impediments.
Empeschable, impeacha-
ble.
Empeschement, impeach-
ment, impediment.
Empetrer, to require, to
infist.
Empiel (ley), imperial or
civil law.
Empiete, impiety.
Empire tant nequant, nei-
ther better or worse than
before.
Empla, sole.
Emplee (terre), land sown.
Emplere, to fill.
Empleroms, we will fulfil.
Emplevist (se), got posse-
sion again.
Emplir, to fulfil.
Empty, implied.
Emportablez charges, in-
tolerable, heavy charges.
Emportunement, impor-
tunately.
Empotentz,

A

N E W

Law Dictionary:

INTENDED
FOR GENERAL USE,
AS WELL AS
FOR GENTLEMEN OF THE PROFESSION.

By RICHARD BURN, LL.D.
LATE CHANCELLOR OF THE DIOCESE OF CARLISLE.

And continued to the Present Time
By JOHN BURN, Esq. his Son,
ONE OF HIS MAJESTY'S JUSTICES OF THE PEACE FOR THE
COUNTIES OF WESTMORLAND AND CUMBERLAND.

IN TWO VOLUMES.

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E N D

309

although the lessor determine his will before it be ripe. And so it is if he set roots, or sow hemp, or flax, or any other annual profit; if, after the same be planted, the lessor oust the lessee, or if the lessee die, yet he or his executors shall have that year's crop. But if he plant young fruit trees, or young oaks, ashes, elms, or the like, or sow the ground with acorns, there the lessor may put him out notwithstanding, because they will yield no annual profit.

So if tenant *for life* sows the ground, and dies, his executors shall have the corn, because his estate was uncertain, and determined by the act of God.

But if a woman that holds land *during her widowhood* sows the ground, and taketh husband, the lessor shall have the corn, because the determination of her estate grew by her own act.

If a man seised of lands in fee hath issue a daughter, and dieth, leaving his wife ensaint with a son, the daughter sows the ground, the son is born, yet the daughter shall have the corn, because her estate was lawful, and defeated by the act of God.

Where there is a right to emblements, ingreſſ, egress, and regreſſ, are allowed by law to enter, cut, and carry them away, when the estate is determined. 1 *Inst.* 55. 2 *Inst.* 81. 1 *Roll's Abr.* 727.

EMBRACERY, is an attempt to corrupt or influence a jury, or any way incline them to be more favourable to the one side than the other, by money, promises, letters, threats, or persuasions; whether the juror on whom such attempt is made give any verdict or not, or whether the verdict given be true or false. 1 *Haw.* 259.

The punishment of an embracor is by fine and imprisonment; and for the juror so embraced, if it be by taking money, the punishment is (by divers statutes) perpetual infamy, imprisonment for a year, and forfeiture of tenfold the value. 4 *Black.* 140.

EMBRING DAYS (from *emblers*, ashes), are certain extraordinary days of fasting, wherin, by way of greater humiliation, the people fast in ashes; who being at the same time habited in the coarser kind of cloth, are represented as repenting in sackcloth and ashes.

ENDOWMENT (Lat. *dos*, *dower*), is the widow's portion; being a third part of all the freehold lands and ten-